

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA

vs.

Plaintiff,

CASE NO.: 00 6032 CR ZLOCH

LIONEL J. HANNA

Florida Bar No.: 198242

Defendant.

DEFENDANT'S OBJECTION TO PRESENTENCE INVESTIGATION

COMES NOW the Defendant **LIONEL J. HANNA**, by and through his undersigned attorney, and files this his Objection to the Presentence Investigation filed in this cause as follows:

1. That in PART E, PARAGRAPH 91 of said Presentence Investigation entitled "FACTORS THAT MAY WARRANT A DEPARTURE" the probation officer states "None".
2. That, however, in *U.S. vs. Maier* *777 F. Supp. 293 (S.D.N.Y. 1991)* the Court held that a guidelines departure was warranted where a drug offender's offenses were directly contributable to her addiction as the sentencing guidelines did not take into account studies indicating incarceration was not an affective approach to rehabilitation of narcotics addiction.
3. That, in the case at bar, the presentence investigation clearly reflects Defendant's addiction to alcohol and drugs.
4. That, therefore, in the case at bar Defendant's addiction supports a guidelines departure.

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I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed on the
23rd day of October 2000 to Donald F. Chase, II, Assistant United States Attorney, 500 East
Broward Boulevard, Suite 700, Fort Lauderdale Fl 33394 and Frank E. Smith, U.S. Probation
Officer, Federal Courthouse Building, 299 East Broward Blvd., Room 409, Fort Lauderdale, Fl
33301-1865.



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